

REMARKS

This amendment responds to the office action dated March 21, 2007.

The Examiner rejected claims 61-70 and 72 under 35 U.S.C. § 102(e) as being anticipated by Maissel et al., U.S. Patent No. 6,637,029 (hereinafter Maissel). Independent claim 61, from which dependent claims 62-70 and 72 each respectively depend, includes the limitations of “a storage medium selectively detachably insertable into a recording device suitable to record at least one of an audio and a video comprising a plurality of frames” and “wherein said storage medium interacts with said recording device.” Neither of these limitations are disclosed by the cited reference. As noted by the Examiner, Maissel discloses a portable storage media selectively insertable into a *set top box* 110, *which is not a recording device*. See Maissel at col. 10 lines 31-37. Instead, Maissel discloses that a user of the set top box 110 may have a stand-alone VCR or other recording device, which aside from receiving a signal from the set top box, is not disclosed to have any other interaction with the set top box. See Maissel at col. 10 lines 49-52.

To sustain a rejection under 35 U.S.C. § 102, the Examiner must cite a single reference containing all claimed limitations. Because Maissel fails to disclose these limitations, the Examiner’s rejection is improper.

Furthermore, there would be no motivation to modify Maissel to include all limitations in claim 61. For example, claim 61, as previously presented, included the limitation that the detachably insertable storage medium include user preference data including “a time attribute . . . describing at least one of: (i) a first time to start obtaining said at least one of audio and video prior to the scheduled time of said at least one of audio and video; and (ii) a second time to end obtaining said at least one of audio and video after the schedule time of said at least one of audio and video.” As noted above, Maissel fails to disclose this limitation because the set top box 110 is not a recording device hence cannot obtain, i.e. record, the video. (To clarify this limitation, the applicant has amended claim 61 to replace the word “obtain” with “record”). However, the applicant further notes that the purpose for Maissel’s detachable storage device is simply to load another (and preferably famous) person’s *EPG profile* onto the user’s set-top box. Thus, even setting aside the fact that Maissel’s set top box is incapable of interacting with a VCR to even

make use of the claimed time attributes in the preference description on the portable storage, Maissel fails to disclose any utility for those time attributes in the first instance.

For each of these reasons, the applicant respectfully requests that the Examiner's rejection of claims 61-70 and 72 be withdrawn.

The Examiner rejected claims 71 and 108-118 under 35 U.S.C. § 103(a) as being obvious in view of the combination of Maissel and Herrington et al., U.S. Patent No. 6,865,746 (hereinafter Herrington). Claim 71 depends from claim 61 and is patentable over the cited combination for the same reasons that claim 61 distinguishes over Maissel. Therefore, the applicant respectfully requests that the rejection of claim 71 be withdrawn.

Independent claim 108 includes the limitations of "a preferences description providing preferences of a user" and including "a creation attribute *of said preferences description* describing the creation date of said at least one of audio and video." As conceded by the Examiner, Maissel fails to disclose this limitation. The Examiner alleges, however, that it is disclosed by Herrington. It is not.

Herrington discloses that a "program guide may provide a user with an opportunity to request that the system locate programs that are related to a particular program" in any one of a variety of ways, including locating a sequel or locating programs having a common production year. In neither instance, however, does Herrington either describe, or even show a need, for the claimed creation attribute *in a user's preference description*. Rather, in the method of Herrington, the user selects a program, and then upon request compares the creation date of the selected program with the respective creation dates of additional available content. Thus, the creation attributes of Herrington are solely contained within the program description scheme rather than the user description scheme.

In order to sustain a rejection under 35 U.S.C. § 103(a) the Examiner must show that each claimed limitation is taught in the cited prior art combination. Because neither cited reference teaches a creation attribute of a preferences description describing preferences of a

user, the Examiner's rejection is improper. Therefore, the applicant respectfully requests that the rejection of claims 108-118 be withdrawn.

The Examiner rejected claims 73-79 under 35 U.S.C. § 103(a) as being obvious in view of the combination of Maissel in view of O'Brien et al., U.S. Patent No. 6,055,569 (hereinafter O'Brien). Independent claim 73 includes the limitation of "providing a layer attribute of [a] preferences description indicating the number of layers of supplemental data auxiliary to said at least one of said audio and video." As before, the preference description describes the preferences of a user. In addition, the Examiner concedes that Maissel fails to disclose this limitation.

O'Brien discloses a modified "web acceleration" method that in some circumstances increases the speed of browsing the internet. Specifically, when a person loads a web page containing links to other web sites, the user's browser may start to load the content of linked web pages into cache memory in the event a user in fact selects one of the links. O'Brien modifies this preexisting system by allowing an operator of an accelerated web site to include probability descriptors for each link indicating the statistical probability, based on past selections, that a person browsing the web site will click on each respective link. The browser may then start loading into cache the links having the highest associated probability of being selected.

The Examiner alleges that the limitation of a "layer attribute of [a] preferences description indicating the *number of layers* of supplemental data auxiliary" is disclosed by O'Brien's recitation that the acceleration technique can, once a linked web page is loaded into cache memory, proceed to also load web pages linked within the web page in cache memory, i.e. second-level caching. O'Brien also discloses that a user may limit the caching of linked web pages to those having a probability greater than a threshold. Note that, if the system proceeds to cache second, third, etc. level web pages, presumably the probability of a second level link being selected would be the product of the respective probabilities of the first and second links being selected. Yet in no circumstance does O'Brien teach an attribute limiting the "*number of layers*" of linked web pages to be downloaded into cache. For example, if a user navigates to a first web site having a link with a 99% probability of a user selecting a link to a second web page, and that

second web page has a link to a third web page with another 99% probability of being selected, etc., then a large number of layers may be loaded into cache before a user-selected limit of, say 50%, is reached. In other words, the limit taught by O'Brien is a limit on the likelihood that a web page will ultimately be navigated to by a user, irrespective of how many levels of links need to be loaded into cache to get to that web page.

In any event, the teachings of O'Brien are of no relevance to the system of Maissel. First, the Examiner's citation to col. 15 lines 23-37 of Maissel is misplaced. That portion of the cited reference merely discloses that a "customized programming guide" of a famous person could be downloaded from the internet to the portable storage device. That portion of Maissel has nothing to do with browsing the Internet and is in no way relevant to the teachings of O'Brien. Similarly, the Examiner's citation to col. 21 of Maissel is also misplaced; there, Maissel merely discloses that, if a content provider wishes to include additional information in a programming guide beyond that explicitly shown in Maissel's drawings, it may do so in a hierarchical fashion and accessed by a user using additional icons. Unlike navigating the Internet using a web browser in a dial-up connection, the system of Maissel is in no need of any "acceleration." Furthermore, even if the content provider of Maissel would anticipate that certain icons would be accessed more often than others, and wished to pre-load those into cache memory in anticipation of their being selected, then this would be done by the organizational structure of the hierarchy rather than some user-adjustable limit on the levels of the hierarchy to pre-load.

For each of these reasons, the applicant respectfully requests that the Examiner's rejection of claims 73-39 be withdrawn.

The Examiner rejected claims 2, 3, 5-9, 12-19, 21-25, 27-29, 38-46, 48-54, 56, and 104 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Sahai et al., U.S. Patent No. 6,594,699 (hereinafter Sahai) in view of Vetro et al., U.S. Patent No. 6,542,546 (hereinafter Vetro). As amended, independent claim 2, from which claims 3, 5-9, and 12-19 depends, includes the limitations of "receiving a media attribute of said preferences description describing the quality of encoding said at least one of audio, image, and video wherein said quality of encoding includes a first quality and a second quality . . . and where each of said first and second

qualities is respectively associated with at least one type of semantic content” and “selecting either said first quality and said second quality based upon the type of semantic content of said at least one of said audio and video and said media attribute.” These limitations are not disclosed by the cited combination. At the outset, the applicant notes that Sahai fails to disclose a media attribute having first and second qualities of encoding; rather, Sahai allows a user to pick a selected one. Furthermore, Vetro merely discloses selecting an encoding quality based on system device parameters pre-stored on a server, i.e. the selected encoding rate is not based on user preferences. Finally, neither cited reference discloses the limitation that “each of said first and second qualities is respectively associated with at least one type of semantic content of at least one of said audio, image, and video.”

Independent claim 21, as amended, includes the limitation of “said system selectively encoding at one of a plurality of different qualities said received broadcast of said at least one of said audio and video for storage on said storage device based upon the semantic content of said at least one of said audio and video, where said semantic content comprises at least one of actors, stars, director, and rating.” This added limitation was taken from claim 27, which has been canceled. Claims 22-25, 28, and 29 depend from claim 21.

The Examiner concedes that neither reference includes the limitation of “where said semantic content comprises at least one of actors, stars, director, and rating.” Nonetheless, the Examiner ostensibly takes notice that “it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Sahai as modified by Vetro to include actors, stars, etc. for the advantage of enhancing the audio/video with favorite actors, stars, etc, that meets a user’s desire or preferences.” The Examiner’s rationale is flawed. Sahai fails to disclose the step of basing an encoding quality based on semantic characteristics at all. Vetro conversely, merely describes an automated transcoding method that selects or adjusts a bit rate, *not based on any user-specified criteria, but image characteristics* that can be inferred from semantic details about the content of the bit-stream, i.e. “activity, scene change, information, and texture.” See col. 5 lines 53-54. If anything, Vetro teaches against the Examiner’s purported motive for the combination because selecting bit rates in accordance with user-preferred actors, stars, etc. would interfere with the optimal encoding efficiency method of Vetro, which is not

based on what semantic content an individual user desires. See Vetro at col. 6 line 64 to col. 7 line 4.

Independent claim 38 includes the limitations of “providing a preferences description, describing preferences of a user” and “providing a storage attribute of said preferences description describing the quality of encoding of said at least one of audio and video based upon the semantic content of said at least one of audio and video.” As noted earlier these limitations are not disclosed by either Sahai (as conceded by the Examiner) or Vetro (which discloses an encoding method that adjusts an encoding quality irrespective of the preferences of a user.) Therefore, one of ordinary skill in the art would not find it obvious to modify Sahai to, not only adjust a recording quality based on semantic content, but to do so in accordance with an attribute in a user-preferences description. Claims 39-46 and 48 depend from claim 38 and are distinguished over the cited combination for the same reasons as is claim 38.

Independent claim 49, from which claims 50-54 and 56 depend, includes the limitations of “providing a preferences description, describing preferences of a user with respect to the use of said at least one of said audio and video, where said description includes multiple attributes” and “providing a storage attribute of said preferences description describing the quality of encoding of said at least one of audio and video based upon the semantic content of said audio and a video and upon the combination of at least one other attribute of said preferences description and said storage attribute.” Therefore, each of claims 49-54 and 56 distinguish over the cited combination for the same reasons as does claim 38.

Independent claim 104 includes the limitations of “providing a content attribute describing the semantic content of said at least one of said audio and said video, said content attribute being used with said media attribute to implement said user’s preferences with respect to said at least one of said audio representation and said video representation.” As stated earlier, Vetro fails to disclose this limitation as the audio and video encoding or delivery qualities are not selected based on a user’s preference attributes.

For each of the foregoing reasons, the applicant respectfully requests that the Examiner withdraw the rejection of claims 2, 3, 5-9, 12-19, 21-25, 28, 29, 38-46, 48-54, 56, and 104 under 35 U.S.C. § 103(a).

The Examiner rejected claims 20, 30, 47, 55, and 57-60 under 35 U.S.C. § 103(a) as being obvious in view of the combination of Sahai, Vetro, and Tracton et al, U.S. Patent No. 6,470,378. Each of claims 20, 30, 47, and 55 depends from a respective one of claims 2, 21, 38, and 49 and are patentable over the cited combination for the same reasons that the independent claims are patentable over the combination of Sahai and Vetro.

Independent claim 57, from which claims 58-60 depend, includes the limitations of “providing a preferences description, describing preferences of a user with respect to the use of said at least one of said audio and video, where said description includes multiple attributes” and “providing a storage attribute of said preferences description describing the quality of encoding of said at least one of audio and video based upon an agent of said system.” The Examiner’s rejection depends on the erroneous premise that these limitations are disclosed by the combination of Sahai and Vetro. As stated previously with respect to claims 2, 21, 38, and 49, this is not the case.

For each of the foregoing reasons, the applicant respectfully requests that the Examiner’s rejection of claims 20, 30, 47, 55, and 57-60 under 35 U.S.C. 0 103(a) be withdrawn.

The Examiner rejected claims 94-103 under 35 U.S.C. § 103(a) as being obvious in view of the combination of Sahai and Osawa, U.S. Patent No. 5,956,037. Independent claim 94, from which claims 95-103 depend, includes the limitation of “providing a mode attribute of said preferences description describing the user’s preferences with respect to at least one of: (i) a user-selected forward *speed* at which the system provides a fast forward presentation of said at least one of audio and video; and (ii) a user-selected reverse *speed* at which the system provides a fast reverse presentation of said at least one of audio and video.” These limitations are not disclosed by the cited prior art. The applicant notes that the secondary reference, Osawa, merely records *which* portions of video were fast-forwarded, fast-reversed, etc. by a user, and fails to even disclose multiple *speeds* at which either operation can be performed let alone recording the

information in user-preference data. Therefore, neither cited reference discloses the limitation of a mode attribute describing a *speed* at which a user prefers to fast-forward or fast-reverse a presentation. Therefore, the applicant respectfully requests that the Examiner withdraw the rejection of claims 94-103.

The Examiner rejected claims 10 and 26 under 35 U.S.C. § 103(a) as being obvious in view of the combination of Sahai, Vetro, and Osawa. Claim 10 depends from claim 2 and claims 26 depends from claim 21. Each of claims 10 and 26 are distinguishable over the cited combination of Sahai, Vetro, and Osawa for the same reasons as their respective independent claims are distinguished over the combination of Sahai and Vetro.

The Examiner rejected claims 31-37 under 35 U.S.C. § 103(a) as being obvious in view of the combination of Sahai, Osawa, and Vetro. Independent claim 31, as amended, from which claims 32-37 depend, includes the limitations of “providing a storage attribute of said preferences description for a data storage device of a user audiovisual system describing first and second qualities of encoding of said at least one of audio and video, and where each of said first and second qualities is respectively associated with at least one type of semantic content of at least one of said audio, image, and video” and “selecting one of said first and second qualities based on the semantic content of said at least one of an audio and a video, and said storage attribute” Thus claims 31-37 are distinguished over the cited combination for the same reasons as claim 2 distinguishes over Sahai and Vetro. Therefore, the applicant respectfully requests that the Examiner withdraw the rejection of claims 31-37 under 35 U.S.C. 103(a).

The Examiner rejected claims 89-93 under 35 U.S.C. § 103(a) as being obvious in view of the combination of Sahai, Vetro, and O’Brien. Independent claim 89 includes the limitation of “determining the number of layers of supplemental data auxiliary to said at least one of said audio and video based at least in part upon said content attribute and said type attribute.” This claims 89-93 are distinguished over the cited combination for the same reasons that claim 73 distinguishes over the combination of Maissel and O’Brien. Therefore, the applicant respectfully requests that the Examiner withdraw the rejection of claims 89-93 under 35 U.S.C. 103(a).

Appl. No. 09/580,808

Amdt. dated June 21, 2007

Reply to Office action of March 21, 2007

In view of the foregoing amendments and remarks, the applicant respectfully requests reconsideration and allowance of claims 2, 3, 5-10, 12-26, 28-79, 89-104, and 108-118.

Respectfully submitted,



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